THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 4638 of 2007

Dated: 08.03.2007

Between:

U. Venkatesulu, S/o U.Venkataswamy

.... PETITIONER

AND

The Depot Manager, APSRTC, Ryadurg Depot, Anantapur District and one another

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.4638 of 2007

Order:

The petitioner is working as a Conductor in the 2nd respondent-APSRTC. Disciplinary proceedings were initiated against him, alleging that while he was performing duty in the 1st respondent-Depot, he failed to account the passenger ticket No. 059/755658 of Rs. 50/- denomination in the SR No. 7590718, which was issued to a passenger on route Kadiri to Tirupati and he closed the SR of all denominations in the SR up to the point of check, therefore, a charge sheet dated 9.10.1998 was issued and finally a show cause notice cum impugned proceedings dated 14.12.1998 was issued and punishment of stoppage of annual increment for a period of two years with cumulative effect was straight away imposed. For that the petitioner filed explanation and accepting the explanation submitted by the petitioner modified the punishment to that of deferment of annual increment for a period of one year vide proceedings dated 27.3.1999. Aggrieved by the same, the petitioner filed the present writ petition.

Learned counsel for the petitioner submits that the respondent, without furnishing copy of enquiry report and without affording any opportunity of hearing to the petitioner, straight away issued the impugned proceedings imposing punishment of deferment of annual increment for a

period of one with cumulative effect and calling upon the petitioner to show cause as to why the suspension period should not be treated as not on duty. He further submitted that the issue raised in this writ petition is squarely covered by the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005. Learned Standing Counsel for the respondents-Corporation admitted the same. He, however, opposed the relief contending that after considering the entire material on record, the impugned order was passed, and no interference is called for therewith.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation.

The issue raised in the present writ petition is squarely covered by the orders of this Court in W.P. 18299 of 2005, dated 05.09.2005. The operative portion of the said order, reads as under:

> *"Strictly speaking, the impugned order deserves to be set aside, and the matter needs to be remanded. However, having regard to the fact that nearly six years have elapsed, this Court does not find it proper, to subject the petitioner to another set of proceedings. Taking the totality of the circumstances, into account, the punishment of stoppage of increment shall be treated, as the one without cumulative effect. However, the petitioner shall not be entitled for any monetary benefit, upto the date of this order, on account of the modification of the punishment.*
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> *The writ petition is accordingly disposed of. There shall be no order as to costs."*

Hence, following the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005, the present writ petition is also disposed of with the following direction.

The impugned order dated 27.3.1999, passed by the respondent, imposing punishment of stoppage of annual increment for a period of one year with cumulative effect, is modified to that of stoppage of annual increment without cumulative effect. However, the petitioner shall not be

entitled to any monetary benefits arising out of this order, but shall be entitled to fixation of pay only.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 08.03.2007
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